

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-00300

JOSEPH LEE HARPER

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's Motion to Continue. (ECF No. 22.) In support of his motion, counsel for defendant explains that additional time is needed to continue negotiating with the government and to evaluate discovery. (See id.) Counsel also stated that the government does not oppose the continuance of this matter. (See id.) For good cause shown, defendant's motion is **GRANTED**.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows:

- I. The deadline for the filing of pretrial motions is continued until **April 2, 2020**;
- II. The Pretrial Motions Hearing is continued until **1:00 p.m.**
on Monday, April 6, 2020, in Charleston;
- III. Jury Instructions and Proposed Voir Dire are due to the court by **April 30, 2020**;
- IV. Trial of this action is continued until **9:30 a.m. on**
Tuesday, May 5, 2020, in Charleston;
- V. Pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 3rd day of March, 2020.

ENTER:



David A. Faber
Senior United States District Judge